

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

ANTWAYN CARTER,	*	
Petitioner,	*	
VS.	*	
DAVID FRAZIER,	*	CASE NO. 3:12-CV-08 (CDL)
Respondent.	*	

ORDER ON RECOMMENDATION

After a *de novo* review of the record in this case, the Recommendation filed by the United States Magistrate Judge on December 4, 2012, is hereby approved, adopted, and made the Order of the Court. To the extent that the Magistrate Judge's Recommendation does not unequivocally state that he considered whether the trial court's alleged misapplication of Georgia law denied Petitioner of any right under the United States Constitution or federal law, the Court has reviewed that issue and concludes that no such denial occurred which would warrant federal habeas corpus relief. The Court also adopts the Magistrate Judge's recommendation that a Certificate of Appealability should be denied.

The objections of the Petitioner have been considered and are found to be without merit.

IT IS SO ORDERED, this 2nd day of January, 2013.

s/Clay D. Land

CLAY D. LAND
U.S. DISTRICT JUDGE